IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13545 of 2004

Between:

1. T. Venkata Swamy S/o Late Dakaiah, 52 years,
   R/o H. No. 9-1-16/A, Hasmathpet, Secunderabad.

2. T.Dhanachakra S/o Late Dakaiah, 49 years,
   r/o H. No. 9-1-16/B, Hasmathpet, Secunderabad.
3. T. Anitha W/o late Madhusudhan, 32 years,
   r/o H. No. 9-1-16/B, Hasmathpet, Secunderabad.
4. T. Kumar S/o late Dakaiah, 41 years,
   r/o H. No. 9-1-16/B, Hasmathpet, Secunderabad.

...PETITIONERS

AND

1. The Joint Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
2. The Mandal Revenue Officer, Sherilingampally Mandal, Ranga Reddy District.
3. M/s. MM Financiers, rep by M. Muralimohan,
   R/o A/14, Filmnagar, Jublee Hills, Hyderabad.
4. Akbar Ali.
5. B. Ashok S/o B. Venkatanarayana
6. Anil Kumar.
7. Smt. Bhagya lakshmi W/o Hanumantha rao
8. Smt.M. Devi.

(Respondents 4 to 8 are not necessary parties)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction one in the nature of Writ of Certiorari calling for the records pertaining to the impugned order dated 28-6-2003 passed by the 1st respondent in dismissing the claim of the petitioner for correction of the wrong entries screpted in respect of the land in Survey nos.103, 105, 106 and 109 admeasuring 13 acres 5 gts., 1 acre 9 gts 2 acre 4 gts and 2 gts., respectively situated at Gachibowli village, Sherilingampally Mandal, Ranga Reddy District and same may be quashed consequently directing the respondents to make correct the wrong entries screpted of the above land prior to 1978 in respect of column 13 of the pahani.

Counsel for the Petitioners: MR.M.DAMODAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

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ORDER:

The four petitioners claim to be the children of one Dakaiah and grand children of Sivaiah. Due to this lineage, they claim to be absolute owners and possessors of the lands admeasuring Acs.13.05 gts in Survey No.103, Ac.1.09 gts in Survey No.105, Acs.2.04 gts in Survey No.106 and 0.02 gts in Survey No.109, of Gachibowli Village, Sherilingampally Mandal, Ranga Reddy District. They also allege that these are the patta lands of Sivaiah and when they came to know in the pahanis that the name of Dakaiah or Sivaiah, as pattadar was not shown, they approached the Joint Collector. Under Section 15 (2) of the A.P.(Telangana Area) Record of Rights in Lands Regulations, 1358 (Fasli), by impugned order, dated 28.06.2003, the Joint Collector rejected the application for correction of entries in the Revenue records. Aggrieved by the same, the present Writ Petition is filed.

Sri M.Damodar Reddy, learned counsel for the petitioners contends that the question whether the petitioners are owners or not was already decided in the proceedings under Section 32 of the A.P.(Telangana Area) Tenancy and Agricultural Lands Act, 1950 and by reason of Section 11 of the Code of Civil Procedure, 1908, the issue is *resjudicata*. He also urged the finding recorded by the Joint Collector against the petitioners is incorrect.

A reading of the impugned order of the Joint Collector dated 28.06.2003 would show that in the pahanis for the years 1954-55 to 1981-82, one Smt.B.Lingamma was shown as pattadar in column No.8 whereas the name of grand father, Sivaiah was shown as pattadar in pahanis for the years 1955-56 to 1966-67, that too in column No.15. The Joint Collector obtained necessary records from the Mandal Revenue Officer, Sherilingampally Mandal and came to a conclusion that the names of the respondent Nos.4 to 6 are found as pattadars for the years 1968-67 to 1977-78 and that there is no need to correct any entries in the Revenue records as sought by the petitioners. The entire order of the Joint Collector is based on the facts and Revenue records and this Court cannot sit in appeal over the findings recorded by the Joint Collector. If the petitioners are aggrieved, they may avail the common law remedy for declaration of their title. In this Writ Petition, no relief can be granted.

The Writ Petition with the above observations is dismissed.

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(V.V.S.RAO, J)

3rd August 2004

RRB

Copies to:

1. The Joint Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
2. The Mandal Revenue Officer, Sherilingampally Mandal, Ranga Reddy District.
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.